home and want to buy another. That has spurred home sales.

We need to stabilize the prices, which remains the top priority. We also need to keep the pressure on the banks, the lenders, to work with folks who are losing their homes.

Many places across the Nation, and specifically Florida, are responding to the crisis by adopting mandatory mediation as an alternative to foreclosures, thereby forcing banks to modify mortgages and avoid a foreclosure altogether.

A great success story is a program in Philadelphia where borrowers can keep their homes in a program that is being looked upon as a model for the rest of the Nation. Under a plan put in place by the city's civil court, no property can be foreclosed in that court and sold by the sheriff until the mortgage company sits down with the homeowner to try to find a solution.

Unlike the administration's effort to stem foreclosures, which relies on giving incentives to mortgage companies to encourage them to work with homeowners—a program that has not worked as the Obama administration has intended—the Philadelphia program, in contrast, is not a voluntary program. Mortgage companies are forced to participate. While that Philadelphia program will not result in every troubled homeowner getting the outcome they are looking for, making those lenders come to the table is a step in the right direction. But if we are going to bring back health to our banking and financial system, we are going to have to fix the problems that are driving our community and regional banks to insolvency. The crisis in residential and commercial real estate values, home foreclosures, and nonperforming commercial real estate loans is wiping out those regional and local bank balance sheets.

In response, those regional banks are desperately hanging on to their deposits and other assets. I wish I didn't have to say this, but the Obama administration, particularly Secretary Geithner, has not done a good job in leading our banking system and real estate markets to recover. Their response to the collapse in residential real estate was a tepid loan modification program which in most cases kicked the can down the road for the few underwater homeowners who were fortunate enough to qualify. Their response to the crisis in commercial real estate has been absent altogether. The consequence is that the commercial real estate market is on the verge of its own collapse as creditors are reluctant to refinance commercial projects.

Half way through the year, Florida banks had over $5 billion of commercial real estate loans in default. Commercial real estate makes up over one-third of the assets of Florida banks. These growing liabilities are putting the brakes on bank lending in Florida, and they are hurting creditworthy small businesses and prospective home buyers. It is a vicious downward spiral that is not easily broken. One thing is clear: The Troubled Asset Relief Program has not been the answer.

When then-Secretary of the Treasury Hank Paulson, the former head of Goldman Sachs, first proposed TARP, there were a number of us on this floor who opposed and voted against it. I thought it was massive and a wasteful bailout of the Wall Street banks with zero accountability and no meaningful reform. What have we found out about it? Of the $700 billion that Congress appropriated for TARP, over $220 billion has yet to be loaned out and only some $70 billion has been repaid. I believe we should end the program once and for all and return those funds to the U.S. Treasury to prevent us from falling deeper into fiscal debt and a fiscal black hole. Bringing the deficit under control would then help stabilize interest rates. It would hold borrowing costs down, and it would reduce the growing debt burden on future generations. That still leaves roughly $400 billion of TARP funds outstanding.

Bank of America, Citigroup, and Wells Fargo need to repay the TARP funds that have propped them up for more than a year. They need to stand on their own feet. Banks such as Goldman Sachs that have repaid their TARP funds still owe a tremendous debt to American taxpayers. Goldman Sachs, Merrill Lynch, and a slew of other banks all profited from the dollar-for-dollar taxpayer bailout of AIG's credit default swaps, those insurance policies. Under that AIG bailout, the most outrageous of all the bailouts, $70 billion of American taxpayer funds was put at risk to ensure that speculators in credit default swaps were fully protected. The head of Goldman Sachs recently apologized for his firm's reckless behavior and pledged to commit $500 million for small business lending. That sounds like a serious commitment, until we consider that Goldman Sachs has set aside $17 billion for year-end bonuses. So while Main Street is tightening its belt and preparing for a lean holiday season, Wall Street is still living high on the hog. That must change.

As banks repay their TARP loans, we need to consider how we use those funds, how we reform the financial sector. To get us back on track, we will have to be creative and find new solutions to ensure that businesses have access to the capital they need to grow, prosper, and hire new workers.

I have a few suggestions. First, we need to scrap the trickle-down TARP model and start working from the bottom up. We need to focus on access to capital for small businesses and ways to shore up residential and commercial real estate values. TARP has focused far too much on the largest Wall Street banks at the expense of community and regional banks, the backbone of finance in Florida. We need to increase Federal support and assistance to community banks and credit unions.

Second, we need to look at other ways to improve access to capital such as promoting direct lending by the Small Business Administration.

Third, we need a flexible approach to dealing with underwater homeowners, those whose value is now less than the value of their mortgage, which is so typical in the State of Florida. A flexible approach would be like the one in Philadelphia which is undertaking to require mediation and loan modifications.

These are a few suggestions I have in this very tough economic time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. I ask unanimous consent to speak up to 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. KYL. Mr. President, I rise to talk about the health care legislation because in a few minutes the official debate in the Senate will commence. The American people will have before them the full panoply of arguments both for and against the legislation. They will make their judgment about whether we are in fact carrying out their will.

According to public opinion surveys, the will of the American people is that this bill should not pass. According to a relatively new Rasmussen poll, by an 18-point margin, Americans say this bill should not pass. By 56 to 38, they oppose it. In terms of people in the middle, the independents or other voters not identified with either political party, the percentage of people who oppose the legislation is even greater. More than 3 to 1, Independents oppose this legislation. The majority believes it will both increase their costs and decrease the quality of health care. It is for these reasons that I indicated before—and I will say it again—I don't think this bill can be fixed. In fact, I don't think the majority will allow it to be fixed. That is why, along with my Republican colleagues, I believe we should start over and attack the problems that face our country in a more realistic way, in a step-by-step approach, first to win back the confidence of the people and then to provide elements of relief to each of the problems we face, rather than trying to tackle the entire health care system, the government programs, the private programs, the insurance, the physicians, the hospitals, trying to do it all in one giant bill that results in massive government takeover, over $1 trillion—in fact, $2.5 trillion—in expenditures, massive new debt, more taxes, higher insurance premiums, all of which will result in, ultimately, the rationing of health care which is, to me, the most dangerous part of this entire exercise.

Somehow or other, we could probably pay the expense of this. Somehow or